

**United States District Court**  
***District of North Dakota***  
**Northwestern Division**

Energy Heating, LLC, an Idaho limited liability company;  
Rocky Mountain Oilfield Services, LLC, an Idaho limited  
liability company,

Plaintiffs/Counterclaim Defendants,

vs.

Heat On-The-Fly, LLC, a Louisiana limited liability company,  
and Super Heaters North Dakota, a North Dakota limited  
liability company,

Defendants,

and

Heat On-The-Fly, LLC, a Louisiana limited liability company,  
Counterclaimant.

Heat On-The-Fly, LLC, a Louisiana limited liability company,  
Third-Party Plaintiff/Counterclaim Defendant,

vs.

Marathon Oil Corporation,

Third-Party Defendant/Counterclaimant.

AMENDED  
JUDGMENT IN A CIVIL CASE

Case No. 4:13-cv-10

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- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- ☒ **Decision on Motion.** This action came before the Court on motion. The issues have been considered and a decision rendered.
- ☐ **Stipulation.** This action came before the court on motion of the parties. The issues have been resolved.
- ☐ **Dismissal.** This action was voluntarily dismissed by Plaintiff pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

**IT IS ORDERED AND ADJUDGED:**

Pursuant to the Order entered on March 31, 2015, Energy Heating and Marathon Oil's motions for summary judgment of invalidity as obviousness are GRANTED. HOTF's motion for summary judgment that the patent is not invalid and related motion for a hearing are DENIED. Judgment is entered in favor of the plaintiffs and third party defendants.

HOTF's motion to dismiss the inequitable conduct claims in the second amended complaint and to strike the affirmative defenses is DENIED.

Date: April 7, 2015

ROBERT J. ANSLEY, CLERK OF COURT

by: /s/ Ashley Sanders, Deputy Clerk